

AMENDED IN ASSEMBLY MARCH 22, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2159

Introduced by Assembly Member Anderson

February 18, 2010

An act to repeal Section 68130.5 of the Education Code, to add Article 5 (commencing with Section 275) to Chapter 3 of Part 1 of Division 2 of the Military and Veterans Code, and to repeal Section 1 of Chapter 814 of the Statutes of 2001, relating to postsecondary education. An act to amend Section 68075.5 of, and to repeal Section 68130.5 of, the Education Code, and to repeal Section 1 of Chapter 814 of the Statutes of 2001, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2159, as amended, Anderson. ~~Postsecondary education. Public postsecondary education: student residency requirements.~~

(1) Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of tuition and fees to be paid by students of public postsecondary educational institutions. Existing law entitles a student who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the Armed Forces to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.

This bill would additionally entitle a student who was a member of the Armed Forces of the United States to resident classification, regardless of whether the student was stationed in this state on active duty or the length of time for which the student was stationed in this

state on active duty, if the student meets specified eligibility requirements.

To the extent that the bill would require community college districts to revise their procedures for calculating enrollment fees for students, the bill would impose a state-mandated local program.

~~(1)–~~

(2) Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed an affidavit as specified, is exempted from paying nonresident tuition at the California Community Colleges and the California State University. The act enacting that exemption also made related legislative findings and declarations.

This bill would repeal that exemption and those legislative findings and declarations.

~~(2) Existing law establishes the segments of the public postsecondary education system in the state, including the University of California, administered by the Regents of the University of California, the California State University, administered by the Trustees of the California State University, and the California Community Colleges, administered by the Board of Governors of the California Community Colleges.~~

~~Existing law provides certain benefits for qualifying members of the California National Guard.~~

~~This bill would require the University of California, the California State University, or the California Community Colleges, as applicable, to provide a specified waiver of tuition and fees charged to a qualified member, as defined. These provisions would apply to the University of California only to the extent the regents make them applicable by resolution.~~

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 68075.5 of the Education Code is amended*
2 *to read:*

3 68075.5. (a) A student who was a member of the ~~armed forces~~
4 *Armed Forces* of the United States stationed in this state on active
5 duty for more than one year immediately prior to being discharged
6 from the ~~armed forces~~ *Armed Forces* is entitled to resident
7 classification for the length of time he or she lives in this state after
8 being discharged up to the minimum time necessary to become a
9 resident.

10 (b) (1) *A student who was a member of the Armed Forces of*
11 *the United States is entitled to resident classification for the length*
12 *of time he or she lives in this state after being discharged up to*
13 *the minimum time necessary to become a resident, regardless of*
14 *whether the student was stationed in this state on active duty or*
15 *the length of time for which the student was stationed in this state*
16 *on active duty, if the student meets all of the following*
17 *requirements:*

18 (A) *Is eligible for benefits pursuant to the federal Post-9/11*
19 *Veterans Educational Assistance Act of 2008 (Title V of Public*
20 *Law 110-252).*

21 (B) *Is honorably discharged from service.*

22 (C) *Provides documentation of a domicile in the state.*

23 (2) *For purposes of this subdivision, “domicile” means a place*
24 *in which the student’s habitation is fixed, where the student has*
25 *the intention of remaining, and to which, whenever he or she is*
26 *absent, he or she has the intention of returning. At a given time,*
27 *a student may have only one domicile.*

28 ~~SECTION 1.~~

29 SEC. 2. Section 68130.5 of the Education Code is repealed.

30 ~~SEC. 2.—Article 5 (commencing with Section 275) is added to~~
31 ~~Chapter 3 of Part 1 of Division 2 of the Military and Veterans~~
32 ~~Code, to read:~~

1 Article 5. California National Guard Education Assistance Act

2
3 275. ~~(a) Notwithstanding any other law, the University of~~
4 ~~California, the California State University, or the California~~
5 ~~Community Colleges, as applicable, shall provide a tuition and~~
6 ~~fee waiver to a qualified member to meet the full cost, as authorized~~
7 ~~by this section, of any mandatory systemwide tuition or fees,~~
8 ~~including enrollment fees, registration fees, differential fees, or~~
9 ~~incidental fees, charged to a qualified member.~~

10 ~~(b) A qualified member shall receive tuition and fee waivers~~
11 ~~for up to 60 semester units, or the equivalent thereof, for every~~
12 ~~three years that he or she has committed to serve in the California~~
13 ~~National Guard.~~

14 ~~(c) The total amount of tuition and fee waivers authorized by~~
15 ~~this section shall not exceed 120 semester units, or the equivalent~~
16 ~~thereof, per qualified member.~~

17 ~~(d) The tuition and fee waivers authorized by this section shall~~
18 ~~only be available to a qualified member for a period of seven years~~
19 ~~following the date that the qualified member fulfills the service~~
20 ~~commitments necessary to receive the tuition and fee waivers.~~

21 ~~(e) The tuition and fee waivers authorized by this section shall~~
22 ~~not be provided for any mandatory systemwide tuition and fees,~~
23 ~~including enrollment fees, registration fees, differential fees, or~~
24 ~~incidental fees, that are covered by a Cal Grant that has been~~
25 ~~awarded to the qualified member, or by a Board of Governors~~
26 ~~Enrollment Fee Waiver for which the qualified member is~~
27 ~~otherwise eligible to receive.~~

28 ~~(f) A tuition and fee waiver, as authorized by this section, shall~~
29 ~~be provided only to a qualified member who made a timely~~
30 ~~application for all Cal Grant assistance for which the member may~~
31 ~~qualify for the academic year in which a tuition and fee waiver is~~
32 ~~under consideration.~~

33 ~~(g) For purposes of the section, “qualified member” means a~~
34 ~~person who:~~

35 ~~(1) Has served or is currently serving in the California National~~
36 ~~Guard, and has maintained satisfactory service throughout the~~
37 ~~period that qualifies him or her for educational assistance under~~
38 ~~this section.~~

39 ~~(2) Has committed to at least three years of service in the~~
40 ~~California National Guard.~~

1 ~~(3) Is accepted for enrollment at a campus of the University of~~
2 ~~California, the California State University, or the California~~
3 ~~Community Colleges.~~

4 ~~(h) A person who joined the California National Guard prior to~~
5 ~~January 1, 2011, shall be required to recommit to the California~~
6 ~~National Guard for at least three additional years, in order to~~
7 ~~receive the educational assistance under this section.~~

8 ~~(i) A qualified member who is dismissed from a campus of the~~
9 ~~University of California, the California State University, or the~~
10 ~~California Community Colleges due to poor academic performance~~
11 ~~shall not be eligible to receive the educational assistance under~~
12 ~~this section in the future.~~

13 ~~(j) A qualified member who receives educational assistance~~
14 ~~under this section and fails to fulfill his or her commitment to the~~
15 ~~California National Guard shall pay to the postsecondary institution~~
16 ~~an amount equal to the value of the tuition and fee waiver received~~
17 ~~under this section.~~

18 ~~(k) The Military Department shall determine whether an~~
19 ~~individual meets the requirements of “qualified member” as set~~
20 ~~forth in subdivision (g).~~

21 ~~(l) This section shall not apply to the University of California,~~
22 ~~except to the extent that the Regents of the University of California,~~
23 ~~by appropriate resolution, make this section applicable.~~

24 SEC. 3. Section 1 of Chapter 814 of the Statutes of 2001 is
25 repealed.

26 SEC. 4. *If the Commission on State Mandates determines that*
27 *this act contains costs mandated by the state, reimbursement to*
28 *local agencies and school districts for those costs shall be made*
29 *pursuant to Part 7 (commencing with Section 17500) of Division*
30 *4 of Title 2 of the Government Code.*